

## REMARKS / ARGUMENTS

### Status of Claims

Claims 1-15 are pending in the application. Claims 1-9 are allowed. Claims 10-14 are rejected. Claim 15 is objected to but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the Examiner's comments regarding the allowance of Claims 1-9 and the allowability of Claim 15. Of the pending claims, Applicant has canceled Claim 10 and amended Claims 11-14, leaving Claims 1-9 and 11-15 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §102(b) have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

### Rejections Under 35 U.S.C. §102(b)

Claims 10-13 are rejected under 35 U.S.C. §102(b) as being anticipated by Oster (U.S. Patent No. 4,616,199, hereinafter Oster).

Claims 10-14 are rejected under 35 U.S.C. §102(b) as being anticipated by Mickelson et al. (U.S. Patent No. 5,864,266, hereinafter Mickelson).

Applicant traverses these rejections for the following reasons.

Applicant respectfully submits that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, ***in a single prior art reference.***" *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the \*\*\* claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be

supplied by the knowledge of one skilled in the art or the disclosure of another reference. Titanium Metals Corp. v. Banner, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Applicant has canceled Claim 10 and has amended Claim 14 to include all of the limitations of Claim 10 and to now recite, inter alia, “...energizing the current sensor to achieve a first deflection present a clearance between the current sensor and a stop surface; energizing the current sensor to achieve a second deflection absent a clearance between the current sensor and the stop surface... preventing free deflection of the current sensor at a point on the current sensor that is closer to the restrained end than to the unrestrained end of the current sensor.” Here, Applicant is claiming a method that ***includes a clearance condition at a first deflection*** of the current sensor, is ***absent a clearance condition at a second deflection*** of the current sensor, and prevents free deflection of the current sensor ***at a point on the current sensor that is closer to the restrained end than to the unrestrained end.***

Applicant has further amended Claims 11-13 to depend from Claim 14. Dependent claims inherit all of the limitations of the parent claim.

Regarding Claims 10-13 as being anticipated by Oster

Applicant has canceled Claim 10 and has amended Claims 11-13 to depend from Claim 14. Since the Examiner has not asserted Oster against Claim 14, Applicant respectfully submits that this rejection has been obviated.

Regarding Claims 10-14 as being anticipated by Mickelson

The Examiner alleges that Mickelson “discloses a terminal 38 and current sensor bimetal 36 prevented from excessive deflection by elements 52, 54, and 56 (closer to restrained end). See also col. 1, lines 36-45.” (Paper 20040208, page 2).

In comparing Mickelson to amended Claim 14, Applicant submits that Mickelson discloses a block member 52 and a tab portion 54 that are correspondingly located at ***a point that is closer to the unrestrained end than to the restrained end*** of bimetal 36 (col. 4 lines 39-40, and figures 2-4), which is opposite to that of the claimed invention.

In further comparing Mickelson to amended Claim 14, Applicant submits that Mickelson discloses a plate 56 *welded to* bimetal 36 (col. 5, line 13) (emphasis added), and therefore cannot disclose a method for controlling the mechanical stress at a current sensor assembly that *includes a clearance condition at a first deflection* of the current sensor and is *absent a clearance condition at a second deflection* of the current sensor, as claimed in the instant invention.

In view of the amendment and foregoing remarks, Applicant submits that Mickelson does not separately disclose each and every element of the claimed invention and therefore cannot be anticipatory. Accordingly, Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. §102(b) has been traversed, and requests that the Examiner reconsider and withdraw of this rejection.

#### **Regarding Allowable Subject Matter**

Claims 1-9 are allowed.

Claim 15 is objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (Paper 20040208, page 2).

Applicant has amended Claim 14 and has provided arguments earlier in this paper as to the patentability of Claim 14. Claim 15 depends from Claim 14, and with the allowance of Claim 14, Claim 15 is also allowable, which Applicant respectfully requests notice thereof.

#### **Comments On Statement Of Reasons For Indication of Allowable Subject Matter**

The Examiner remarks that the prior art did not disclose nor teach preventing free deflection of the current sensor at a point on the current sensor further away from a restrained end than from a point of an applied calibration force.

While Applicant agrees that presented claims pertain to allowable subject matter, Applicant respectfully submits that to the extent that the Examiner's remarks suggest or state that certain limitations or combinations not found in the prior art are present in each

and every allowable claim, whether or not specific language to that effect is found in every allowable claim, the record as a whole must be considered in addition to the Examiner's remarks, and, to the extent that the record as a whole is clear and complete, it shall control the interpretation of any and all allowable claims.

More specifically, the Examiner's statement of reasons implies that features found in the specification only, in the dependent claims only, or in some but not all independent claims only are part of all of the independent claims, when in fact the record clearly reflects that there are claims not so limited. For example, Claim 15 includes the limitation of preventing free deflection of the current sensor at a point on the current sensor that is further away from the restrained end than is the applied point of the calibration force, which is not found in any other claim. Accordingly, claims not including the limitation recited in Claim 15, and claims dependent from those claims that do not recite the same, are not so limited.

In light of the forgoing, Applicant respectfully submits that the Examiner's rejections under 35 U.S.C. §102(b) have been traversed, and respectfully requests that the Examiner reconsider and withdraw these rejections.

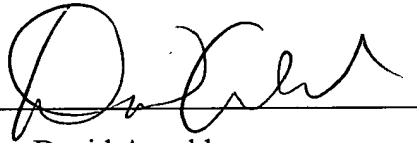
The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,

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